



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION
Case #: FOO - 206330

PRELIMINARY RECITALS

Pursuant to a petition filed on September 19, 2022, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services regarding FoodShare benefits (FS), a hearing was held on January 11, 2023, by telephone.

The issue for determination is whether the agency correctly terminated petitioner's FS benefits for failure to provide requested verification of income and school enrollment.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: Shanay Neal
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:
Beth Whitaker
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On August 9, 2022, petitioner applied for FoodShare benefits (FS).

3. Expedited benefits for August 022 were issued while the agency waited for verification.
4. On August 22, 2022, the agency issued to petitioner a Notice of Proof Needed, instructing her to provide proof of school enrollment for [REDACTED], and monthly employment and income information regarding petitioners work for [REDACTED], by September 8, 2022, in order to establish eligibility for FS.
5. The proof requested was not received.
6. On September 9, 2022 the agency notified petitioner that her FS benefits ended effective August 31, 2022 because of her failure to provide proof.
7. On September 21, 2022 the agency received petitioner's request for hearing.

DISCUSSION

FoodShare applicants must verify information the agency needs to determine their eligibility. 7 CFR § 273.2(f). Agencies must give applicants the later of 10 days from the request or 30 days from the date of application to provide the information. Agencies must deny benefits to those who fail to verify information 7 CFR § 273.2(c)(5); FoodShare Wisconsin Handbook (FS Handbook), § 1.2.1.2. A renewal of FS benefits is not completed until the following steps are done:

1. Notification must be sent to the member informing him or her that the certification period is ending and an interview (2.1.3 Interviews) must be conducted if benefits are to continue.
2. An interview must be conducted and the member must be notified of verifications required to determine continued eligibility for the program.
3. A new electronic, telephonic, or written signature must be collected.
4. Certain information gathered at the interview must be verified (1.2.1 Verification Introduction).
5. Resolve any identified EPP s (Process Help 70.1).
6. Benefit eligibility must be confirmed in CWW (2.1.7 Confirming the FoodShare Eligibility Determination in CARES) in order for the review or renewal to be considered complete.

FS Handbook, §2.2.1.3.

In this matter the petitioner was notified that her FS would end effective August 31, 2022 if she did not provide the requested proof. The deadline to submit the proof was September 8, 2022. When the agency did not receive the requested documentation by that date, the petitioner's FS case closed effective August 31, 2022. The petitioner testified that she did not receive the information by the deadline. However, she also did not submit it at a later time or at hearing.

The agency representative testified that if the proof had been submitted by September 30, 2022, the case could have been kept open. The agency is required to verify information provided to establish eligibility according to the FoodShare Handbook (FSH). Verification is the use of documentary evidence or contact with a third party to confirm the accuracy of statements or information. The local agency must allow FoodShare applicants at least 10 days to provide required verification. FSH 1.2.1. The agency did so. It is allowed to verify only those items required to determine eligibility and benefits. FSH 1.2.1.1. The FS program has an income limit. Household income must be verified to determine eligibility. The school enrollment information regarding the child is relevant to petition's household composition. FS benefits are based on the number of people in the household. The request for verification must be made in writing. FSH 1.2.1.2. The agency did request the verification in writing. The agency fulfilled all requirements of FSH 1.2.1 in seeking necessary verification. When that was not received, it was required to close the case.

The petitioner has failed to establish by a preponderance of evidence that the agency acted incorrectly. The petitioner was made aware by written notice that her FS case was at risk of closure for failing to

complete the FS renewal and/or by failing to submit requested proof. The burden was on the petitioner to ensure that the verification was submitted. She did not do so. I find that the agency correctly closed the petitioner's FS case due to failure to submit requested proof as necessary to determine FS eligibility.

CONCLUSIONS OF LAW

The county agency correctly terminated the petitioner's FS benefits for failure to provide requested verification of income and school enrollment.

THEREFORE, it is **ORDERED**

The petitioner's appeal is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

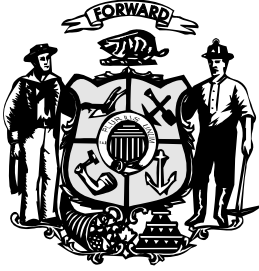
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 23rd day of January, 2023


s

Beth Whitaker
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 23, 2023.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability